



2132

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PATENT  
HMD2000-1-CIPA

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas N. Giaccherini, et al.

Examiner:

Serial No.: 09/688,997

Group Art Unit: 2132

Title: **Method for Utilizing  
Excess Communications Capacity****RECEIVED**

FEB 15 2002

Technology Center 2100

Filed: 16 October 2000

CERTIFICATE OF MAILING UNDER 37 C.F.R. SECTION 1.8

The undersigned hereby certifies that this document is being deposited with the United States Postal Service in accordance with the provisions of 37 CFR Section 1.8 on the date indicated below and is addressed to The Assistant Commissioner for Patents, Attention: BOX DD, Washington, D.C. 20231.

  
Thomas N. Giaccherini, Registration No. 31,075

Date

25 Jan  
2002**FIRST DISCLOSURE STATEMENT**

The Assistant Commissioner for Patents  
Box DD  
Washington, D.C. 20231

Sir:

The Applicants submit this First Disclosure Statement and completed Form PTO/SB/08A for their pending U.S. Patent Application. The documents listed in this First Disclosure Statement were cited in an International Search Report from the European Patent Office for a corresponding PCT International Patent Application which was mailed to the Applicants on 19 December 2001. A copy of the EPO ISR accompanies this First Disclosure Statement.

## **DISCLOSURE DOCUMENTS**

U.S. Patent No. 5 864 557 issued to Lyons discloses a transport stream encoder, which comprises a plurality of component signal sources.

PCT International Patent Application Publication No. WO 97/18651 owned by Hughes Aircraft Company discloses a method and apparatus for an adaptor card for use in a computer to provide conditional access by the computer to incoming data streams. A copy of this document accompanies this First Disclosure Statement.

## **CERTIFICATION**

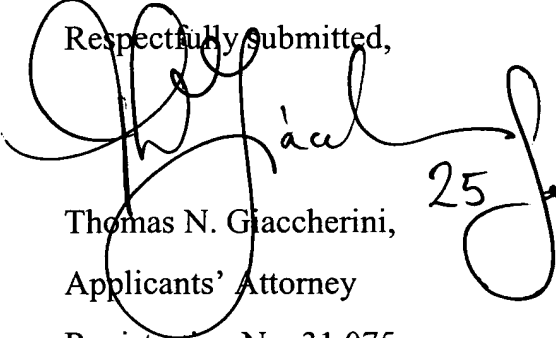
Each item of information contained in this First Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this First Information Disclosure Statement.

## **CONCLUSION**

The Applicants submit that none of the documents described above disclose the Invention as claimed in the present Patent Application. The Applicants believe that no fee is required to submit this First Disclosure Statement.

First Disclosure Statement for U.S. Patent Application entitled  
Method for Utilizing Excess Communications Capacity  
HMD2000-1-CIPA

Respectfully submitted,

  
Thomas N. Giaccherini,  
Applicants' Attorney  
Registration No. 31,075

25 Jan 2002.

**Thomas N. Giaccherini**

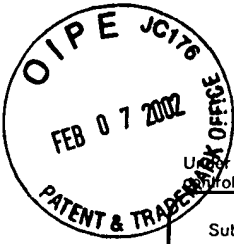
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Mailed to the United States Patent Office

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PTO/SB/08A (10-01)  
Approved for use through 10/31/2002. OMB 0651-0031  
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|---|----------------|---|-----|--------------------|------------|-------------|-------------|----------------------|-------------|----------|------|---------------|--|------------------------|----------------|
| SUBSTITUTE FOR FORM 1449A/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br><i>(use as many sheets as necessary)</i> |                | <b>Complete if Known</b><br><table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td style="width: 50%;">09/688,992</td> </tr> <tr> <td>Filing Date</td> <td>16 OCT 2000</td> </tr> <tr> <td>First Named Inventor</td> <td>GIACCHERINI</td> </tr> <tr> <td>Art Unit</td> <td>2132</td> </tr> <tr> <td>Examiner Name</td> <td></td> </tr> <tr> <td>Attorney Docket Number</td> <td>HMD2000-1-CIPA</td> </tr> </table> |     | Application Number | 09/688,992 | Filing Date | 16 OCT 2000 | First Named Inventor | GIACCHERINI | Art Unit | 2132 | Examiner Name |  | Attorney Docket Number | HMD2000-1-CIPA |
| Application Number  | 09/688,992     |   |     |                    |            |             |             |                      |             |          |      |               |  |                        |                |
| Filing Date   | 16 OCT 2000    |   |     |                    |            |             |             |                      |             |          |      |               |  |                        |                |
| First Named Inventor  | GIACCHERINI    |   |     |                    |            |             |             |                      |             |          |      |               |  |                        |                |
| Art Unit  | 2132           |   |     |                    |            |             |             |                      |             |          |      |               |  |                        |                |
| Examiner Name   |                |   |     |                    |            |             |             |                      |             |          |      |               |  |                        |                |
| Attorney Docket Number  | HMD2000-1-CIPA |   |     |                    |            |             |             |                      |             |          |      |               |  |                        |                |
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| FOREIGN PATENT DOCUMENTS |               |   |                                |  |   |   |
|--------------------------|---------------|---|--------------------------------|--|---|---|
| Examiner<br>Initials     | Cite<br>No. 1 | Foreign Patent Document<br>Country Code 3 - Number* - Kind Code* (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures Appear | T |
|                          |               | W097/18651  |                                | HUGHES   |   |   |

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind's Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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